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EXTRAORDINARY

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PART II—Section 1

प्रापिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1st August, 1996/Shrawana 10, 1918 (Saka)

The following President's Act is published for general information:—

THE JAMMU AND KASHMIR REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1996

No. 6 OF 1996

Enacted by the President in the Forty-seventh Year of the
Republic of India.

An Act further to amend the Jammu and Kashmir Representation of
the People Act, 1957.

In exercise of the powers conferred by section 3 of the Jammu and Kashmir State
Legislature (Delegation of Powers) Act, 1992, the President is pleased to enact as follows:—

1. (1) This Act may be called the Jammu and Kashmir Representation of the People
(Amendment) Act, 1996.

Short title, and
commencement.

(2) It shall come into force at once.

Amendment
of section 41.

2. In section 41 of the Jammu and Kashmir Representation of the People Act, 1957 (hereinafter referred to as the principal Act), in clause (d), for the words "twentieth day", the words "fourteenth day" shall be substituted.

J & K Act
IV of 1957.

Amendment
of section 44.

3. In section 44 of the principal Act, in sub-section (1), for the proviso, the following provisos and the *Explanation* shall be substituted, namely:—

'Provided that a candidate not setup by a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by ten proposers being electors of the constituency.'

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday:

Explanation.—For the purpose of this sub-section "recognised political party" means a political party for which a symbol is reserved by the Election Commission.'

Amendment
of section 45.

4. In section 45 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited, a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste, a sum of two thousand and five hundred rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section."

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURJA,
Secy. to the Govt. of India

Reasons for the enactment

On the basis of the experience gained during general elections to Eleventh Lok Sabha from the Parliamentary constituencies in the State of Jammu and Kashmir, the State Government has, in view of the ensuing elections to the Legislative Assembly of that State, suggested that the Jammu and Kashmir Representation of the People Act, 1957 may be amended by a President's Act to provide for reduction in the minimum campaign period and for discouraging non-serious candidates from contesting elections.

2. It has, accordingly, been decided that the date on which a poll shall be taken shall be a date not earlier than the 'fourteenth day' as against the 'twentieth day' as is the position at present after the last date for the withdrawal of candidature and that the security deposit be raised to a sum of rupees five thousand or where the candidate is a member of a Scheduled Caste to a sum of rupees two thousand and five hundred. It has also been decided that the nomination paper of a candidate who is not set up by a recognised political party should be subscribed by ten proposers being electors of the constituency. The relevant provisions of the Jammu and Kashmir Representation of the People Act, 1957 are proposed to be amended accordingly.

3. Parliament has, under article 357 (1) (a) of the Constitution, conferred on the President the power of the Legislature of the State of Jammu and Kashmir to make laws vide the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992 (21 of 1992).

4. Under the proviso to sub-section (2) of section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992, the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the matter is urgent in nature and the elections to State Legislative Assembly are proposed to be held shortly, it is proposed to enact the measure without reference to the Committee.

K. L. MOHANPURIA,
*Secretary to the Govt. of India,
Ministry of Law and Justice.*

